

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

GENERAL CIGAR COMPANY, INC.,

Plaintiff,

v.

EMPRESA CUBANA DEL TABACO, D.B.A.
CUBATABACO,

Defendant.

Case No: 1:23-cv-227 (LMB/WEF)

**PLAINTIFF GENERAL CIGAR COMPANY, INC.’S OBJECTIONS TO DEFENDANT
EMPRESA CUBANA DEL TABACO, D.B.A., CUBATABACO’S
EXHIBITS AND TESTIMONY DESIGNATIONS**

Plaintiff General Cigar Company, Inc. (“General Cigar” or “GC”) respectfully submits its objections to Defendant Empresa Cubana del Tabaco, d.b.a. Cubatabaco’s (“Cubatabaco” or “CT”) Exhibit List and Testimonial Designations.

Attached hereto as **Exhibit A** is Cubatabaco Exhibit List (provided to General Cigar on November 29)¹ with General Cigar’s Objections (also dated November 29). Attached hereto as **Exhibit B** is Cubatabaco’s testimonial designations (provided to General Cigar on November 10) with General Cigar Objections (provided to Cubatabaco on November 20).²

¹ Cubatabaco has not yet filed its updated Exhibit List on the docket.

² Since the October 18, 2023 status hearing, the parties have exchanged: (1) exhibit and witness lists on October 20, 2023, which have been filed with the Court (Dkt. Nos. 74-75); (2) objections to the other party’s exhibit lists on November 6, 2023; (3) testimonial designations from discovery and trial transcripts in the parties’ prior litigation and discovery transcripts in this litigation on November 10, 2023; (4) testimonial counter-designations and objections to counter-designations on November 20, 2023. Thereafter, the parties held two lengthy conferrals on November 27, 2023 and November 28, 2023, exchanged several e-mails in an attempt to minimize the number of

The parties are still working in good faith to resolve the remaining exhibit and testimonial objections. General Cigar expects that a number of these objections will be resolved between the parties in advance of trial following the parties' lengthy conferrals dated November 27, 2023 and November 28, 2023. For example, the parties are actively negotiating a stipulation to permit most third-party news articles in without objection on hearsay or foundational grounds and are engaged in resolving objections to foundation should Cubatabaco rely on handwriting contained in certain documents.

General Cigar notes that Cubatabaco has offered over 1,100 documents on its Exhibit List and has designated substantial portions of over 160 deposition and trial transcripts, only a very small portion of which Cubatabaco will realistically be able to use in its trial brief. Accordingly, General Cigar reserves the objections identified on Exhibit A and Exhibit B, which it intends to raise, if needed, in opposition to Cubatabaco's trial brief once General Cigar has an opportunity to see whether and how Cubatabaco uses such evidence.

Dated: November 29, 2023

By: /s/J. Kevin Fee

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evidentiary objections. General Cigar provided an updated narrowed set of objections to Cubatabaco's Exhibit List on November 28, 2023 and Cubatabaco withdrew a number of exhibits based on the parties conferrals on November 29, 2023.

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***Attorneys for Plaintiff General Cigar
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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of November, 2023, a true and accurate copy of the foregoing was electronically filed with the Clerk of the Court for the Eastern District of Virginia, using the CM/ECF system, which will send a notification of such filing to all counsel of record.

Dated: November 29, 2023

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